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Attorneys for Non-Party  
**CISCO SYSTEMS, INC.**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**In re: NON-PARTY DEPOSITION  
SUBPOENA**

Case No. 5:17-mc-80051-SVK

BRIAN FLYNN, GEORGE and KELLY BROWN; and MICHAEL KEITH, on behalf of themselves and all others similarly situated,

[Pending in the Southern District of Illinois,  
Case No. 3:15-cv-00855 MJR-DGW]

## Movants,

# **ORDER DENYING MOVANTS' MOTION TO COMPEL NON-PARTY CISCO SYSTEMS, INC.'S COMPLIANCE WITH *SUBPOENA DUCES TECUM***

CISCO SYSTEMS INC

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BRIAN FLYNN, GEORGE and KELLY  
BROWN; and MICHAEL KEITH

## Plaintiffs,

vs.

FCA U.S. LLC f/k/a CHRYSLER GROUP  
LLC, Auburn Hills, MI and HARMAN  
INTERNATIONAL INDUSTRIES, INC.,  
Stamford, CT

### Defendants.

## ORDER

Before the Court are (1) the Motion to Compel Non-Party Cisco Systems, Inc.’s Compliance With Subpoena *Duces Tecum* (“Motion to Compel”) filed by Movants Brian Flynn, *et al.* (“Flynn”), (2) the Limited Response and Objection to Plaintiffs’ Motion to Compel Directed to Non-Party Cisco Systems, Inc. filed by Defendant FCA U.S. LLC (“FCA,” ” f.k.a. Chrysler), (3) the Opposition to Motion to Compel (“Opposition”) filed by non-party Cisco Systems, Inc. (“Cisco”), and (4) Flynn’s Reply in Further Support of the Motion to Compel. Having considered all papers and evidence offered in support of and in opposition to the motion, and for good cause shown, the Court hereby **DENIES** the Motion to Compel for the reasons set forth below.

1. The Motion to Compel is denied on grounds of relevance as defined in Fed. R. Civ. P. 401. The Court is not persuaded that there is a connection between what Cisco may have thought or discussed —strictly internally, and without sharing with FCA—and what is relevant to the remaining claims in the underlying dispute. Flynn’s briefing as to the issue of relevance is conclusory. The blanket assertion, without more, that the documents sought are relevant because they relate to the same subject matter as the underlying dispute fails to satisfy Flynn’s burden as to relevance, nor does it address proportionality as mandated by Fed. R. Civ. P. 26.

2. The Court is similarly concerned about the breakdown in the meet and confer process. A focused search, and the use of search terms, would have been appropriate here had the documents sought been relevant.

3. The Court declines to reach the issue of costs.

Accordingly, it is hereby ORDERED that Flynn's Motion to Compel is denied.

Dated: 5/23/2017

Susan van Keulen  
Hon. Susan van Keulen  
United States Magistrate Judge